

LYNDON CITY COUNCIL
REGULAR MEETING MINUTES OF
April 6, 2015

The Lyndon City Council met in regular session on Monday, April 6, 2015, 7:00 p.m., at City Hall.

1. CALL TO ORDER: Mayor Smith called the meeting to order.

- a) City Clerk called roll of the City Council. Mayor Brandon Smith and members Doug Watson, Darby Kneisler, Chris Cole, and Bill Patterson present.

City Staff present: City Attorney, Pat Walsh (7:12); Betty Thompson, City Administrator; Julie Stutzman, City Clerk; David Wilson, Public Works Supervisor; and Darrel Manning, Chief of Police, George "Kent" Morrison, Part-time Officer.

Others present: Kelly Hurla, Osage County Herald Chronicle.

2. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

- a) Kneisler made the motion to approve the special meeting minutes of March 2, 2015 as presented. Watson seconded, motion carried.
- b) Watson made the motion to approve the regular meeting minutes of March 2, 2015 as presented. Cole seconded, motion carried.
- c) Cole made the motion to approve the special meeting minutes of March 26, 2015 as presented. Watson seconded, motion carried.

3. PUBLIC COMMENTS: Kent Morrison introduced himself to Council as the new part-time officer and thanked the Council for the opportunity to work for the City. The Council welcomed him aboard.

4. CORRESPONDENCE TO COUNCIL:

- Kansas Government Journal March 2015.
- Pledge of Securities from Lyndon State Bank as of February 28, 2015.
- Public Wholesale #12 meeting minutes of February 18th.
- Informational flyer regarding Horticulture Thursdays.

5. PROCLAMATIONS:

- a) Kneisler made the motion to approve and authorize the Mayor to sign the Fair Housing Month Proclamation celebrating 47 years. Patterson seconded, motion carried.
- b) Patterson made the motion to approve and authorize the Mayor to sign the Arbor Day Observance Proclamation. Cole seconded, motion carried.

6. UNFINISHED BUSINESS:

- a) ENVIRONMENTAL AREA GROUP: The City Administrator stated she and Patterson attended the same meetings and there was discussion about the wetlands area. The Maintenance Supervisor stated they are looking at cutting the dam at the wetlands and that Dave Wiley plans to install a stop block to help adjust the water level. He stated he does not know how much pipe is needed and if the City is going to pay for it. Cole asked if the City was going to have to pay for the dirt work and the Maintenance Supervisor stated it will be done with City equipment and in-house labor. Mr. Wiley will install the pipe and the stop block. Watson asked about the stop block and who purchased it. The Maintenance Supervisor stated Westar purchased the block and gave it to Dave Wiley to install. He stated the project is at a standstill at this time until further direction is given.

The City Administrator stated Greg Morgan who is the Environmental Science teacher has a variety of class projects for the students to work on such as erosion control plan and ecology/biology at the trail. They would like to set a long-term plan with the City and the different school groups involved. Discussion continued about the trail and things that still need done. Patterson asked if Mr. Dayhoff has been doing to the dirt work at the trail and the Maintenance Supervisor stated he was working on that today. The City Administrator stated he will also be doing the re-seeding on the trail.

The Mayor asked who the contact is for the workdays on the trail. Patterson stated he would be willing to facilitate these days with Brad Loveless and the Maintenance Supervisor if the Council wished. He stated he would see if he could get with Mr. Loveless on April 25th after Arbor Day Observance to go to the trail to discuss what trees need to be removed.

- b) FINANCIAL UPDATES (CDBG): The City Administrator stated there are two rounds of funding through CDBG. The first special round of funding is for projects not normally funded during annual regular rounds of funding. This funding can be used for sidewalks, community storm shelters and city-owned park improvements. There are two criteria for this for funding which are prevention and elimination of slums and blight or 51% or more of population benefitting in the community must be of low and moderate income. She stated the County statistics show Lyndon at 49% from a survey taken in 2011. The City Administrator stated she will talk with the Department of Commerce to see if that survey can still be used. The grant amount is a minimum of \$100,000 to the maximum of \$350,000 or \$2,000 per beneficiary. The match for the grant is 10% of the funds requested and proof those funds are available. She stated the application is due June 1, 2015 and the award of the grant given on July 15th. She stated there would be a public hearing with notice and a resolution needed.

The City Administrator stated the regular round is similar to the special round and this grant can be used for water and sewer projects. She stated the maximum grant is \$500,000 and has the 10% match for funds requested. The City Administrator stated the sewer fund has \$33,000 more in carryover by the end of the year that can be used as matching funds. She stated the other option would be to amend our loan

with KDHE. She stated she is on a waiting list for the CDBG grant classes. The City Administrator stated in order to administer the grant you have to be certified the grant, but not certified to write the grant. She stated the City hired a grant writer in the past to help with the water and sewer projects and that would be her recommendation. The City Administrator stated that depending on the project, the City would also need a project engineer. She stated a City official and the engineer would need to attend a KIAC meeting. The deadline for the regular funding is not until September 2015. After further discussion about the grants, the City's budget and funds available, no action was taken.

- c) JONES PARK USE AGREEMENT: The Council received a copy of the draft agreement for review. The City Administrator stated the City's expenses for Jones Park include approximately \$794 for water, sewer and stormwater at the concession stand if the City's billed itself, \$5,000 a year for lights and approximately \$3,000 a year for electricity at the pool. After a lengthy discussion, it was consensus of the Council to send the City Attorney the full agreement for review.
- d) SAFE ROUTES TO SCHOOL: The City Administrator stated according to the engineering design, trees along 8th Street are in the right-of-way and not on private property. She stated she spoke with the property owners on 8th Street about the poor condition of the trees and they are willing to sign a written agreement with the City for removal. The question is if the City wants to remove those prior to the project to avoid the trees damaging the sidewalk in the future if they should fall. According to KDOT, the trees along 8th Street are not in conflict nor part of the Safe Routes project. The trees needed for the project were already removed before the April 1st deadline. After further discussion, it was consensus of the Council not to remove any more trees on 8th Street.

The City Administrator stated KDOT had asked if there were any project constraints. She stated she spoke with the school and they prefer the project occur between May 23rd to August 4th. She stated that BG had extended the completion date by one week to attract more contractors to August 14th as long as the school buildings and parking lots are accessible for August 5th and 6th enrollment. The County will have the work completed on 6th Street before the raised crosswalk is installed.

KDOT is awaiting for environmental approval and review of the designs by the Bureau of Construction. They expect to advertise on April 22nd and bid let on May 20th. It takes about six weeks after bid letting for the project to start.

The City Administrator stated the design plans have been sent to MediaCom. They estimate their cost of relocating at about \$6,000 their line on the northwest corner of 6th and Cedar and are still in process of reviewing it.

7. NEW BUSINESS:

- a) SEWER PLANT: The Council received a copy of the letter from KDHE in regards to ammonia levels. She stated the Maintenance Supervisor prepared a summary showing what the daily maximum limit is according the City's permit, the average

and highlighted the days we were above limits. He stated he has prepared a summary of the reports for the last five years. The proposed ammonia limits will cut the current limit down to about half. The Maintenance Supervisor stated he has been working with Jerry Grant and other entities on the issue. There has been some issues with a waste valve going bad and occasionally sticking which caused the loss of some of the sludge and TSS and giving these bad results. The Maintenance Supervisor stated there are three options. One is to start with the old plant to cover the trickle filter and some rehab. Another option is to build a new plant. The Maintenance Supervisor stated his recommendation is to put some rehab into the current plant. He will contact Jerry Grant who is a former employee of KDHE about coming to the next meeting to discuss the issues with the plant. The Maintenance Supervisor stated covering the trickle filter does not change the process, however, any kind of processing change has to be approved through KDHE and an engineer will need to be on board. After further discussion, the Maintenance Supervisor will get cost estimate for the trickle filter cover.

- b) **BG CONSULTANTS PROPOSAL FOR SURVEYING:** The Council received a copy of the surveying proposal from BG Consultants for Washington Street from 13th Street to 14th Street. The cost for surveying will range from \$990 to \$1,600 depending on the presence of existing property corners in the field. After further discussion, Cole made the motion to approve and authorize the Mayor sign the surveying proposal with BG Consultants. Kneisler seconded, motion carried.
- c) **PURCHASE APPROVALS:** The Maintenance Supervisor discussed with Council replacing the current Grasshopper mower. After further discussion, it was consensus of the Council for the City Administrator to approve purchase of the mower due to the expense being included in the 2015 budget.

The Chief of Police provided the Council with three estimates for repair of the 2008 Chevy Impala from Wrench Benders. After further discussion, Kneisler made the motion to approve the new transmission with the three-year warranty for the 2008 Chevy Impala in the amount of \$1,850. Watson seconded, motion carried.

The City Administrator stated the newly formed group known as Hands-On Lyndon is requesting to waive the fee for the Community Center for the meeting on April 23rd. After further discussion, it was consensus of the Council to continue with policy and not waive the fee.

- d) **SWIMMING POOL:** The Mayor stated Lisa Reeser asked the Lyndon Recreation Commission (LRC) for \$1,000 for swimming lessons and \$3,000 start up money for the swim team last year. He stated she was going to ask for \$1,000 less due to a carryover balance. The Mayor stated LRC is asking the Council to waive the fee charged last year for the rental of the pool for lessons. After further discussion, the Council wants review of the minutes for more information about the fees charged last year before making a decision. Council tabled the matter.

The City Administrator stated the Recreation Commission asked if the Recreation Director can get a cell phone through the City's plan. Currently, the City's plan has ten lines with only two left available. The cost is \$26.00 per month and an extra

\$225.00 a year. After further discussion, it was consensus of the Council to allow the Recreation Commission to add a line to the plan and pay the monthly fee to the City.

8. STAFF REPORTS:

- a) POLICE: Council received a copy of the Officer Activity Report.
- b) PLANNING AND ZONING: No meeting was held.
- c) PUBLIC WORKS: Council received a copy of the Maintenance Activity Report.
- d) CITY CLERK: Council received a copy of the Clerk's report.

The City Clerk discussed the opportunity to get her CMC designation and asked if the City would pay the certification fee of \$100. After further discussion, Patterson made the motion to pay the \$100 certification fee for the CMC designation. Watson seconded, motion carried.

The City Clerk provided information to the Council about an online Accounting Fundamentals class that she would like to take that starts on April 15th. The cost of the course is \$149.00. Patterson made the motion to approve the \$149 for the Accounting Fundamentals class. Cole seconded, motion carried.

- e) CITY ADMINISTRATOR: Council received a copy of the City Administrator's report and she discussed it with the Council briefly.

9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Patterson stated the Knockout Cancer 5K is Saturday, April 11th and registration is at 8:30 a.m. He stated there are 48 registrations so far and the route is the same as the last 5K.

Patterson had two people contact him about the 5th and Adams property issue. He stated the neighbors are getting upset and he told them the City is working on it. It was noted they have been cited and the issue is going through Municipal Court.

Kneisler asked if there had been any response on the proposed three-way split on paying for the ball field light bulb replacement at Jones Park. The City Administrator stated she has not heard back from either USD 421 or the Recreation Commission.

Patterson asked if she had spoken to USD 421 about removing the bleachers and tires at Jones Park. The City Administrator stated she has spoken to them about the issue.

Kneisler stated that USD 421 in conjunction with the Recreation Commission has wanted to place a building at Jones Park with a gym and other facilities. He stated the Community Center loses money and not very many things such as weddings and dances can be scheduled there. Kneisler would like to consider selling the building in the future and use the funds to help build something bigger with USD 421 and Recreation Commission.

Kneisler stated he has gotten complaints about dogs not tagged or on leashes on the trail and discussed it briefly with Council.

Mayor Smith stated the Bailey House has a broken window on the east side and also a window sash on the north side is pulled out. He asked if any work had been done since the gutters were installed. The Maintenance Supervisor stated he does not have a key to the cabin. Mayor Smith asked if the City maintains the building or if someone needs contacted. It was noted to contact one of the members of the HPPL.

10. EXECUTIVE SESSION:

Kneisler made the motion to recess to executive session for 15 minutes for Attorney-Client Privilege with City Attorney attending. Patterson seconded, motion carried. Council reconvened with no binding action taken.

Patterson made the motion to recess to executive session for 10 minutes for Attorney-Client Privilege with the City Attorney attending. Kneisler seconded, motion carried. Council reconvened with no binding action taken.

Watson made the motion to recess to executive session for three minutes for non-elected personnel with the City Administrator and City Clerk attending. Cole seconded, motion carried. Council reconvened with no binding action taken.

11. ADJOURNMENT: Kneisler made the motion to adjourn to April 20, 2015 at 7:00 p.m. for regular meeting. Patterson seconded, motion carried.

Julie Stutzman

City Clerk